

Committee of the Whole Report

February 09, 2016

The Committee of the Whole met Tuesday, February 09, 2016 at 6:00 p.m. in the Quorum Court Meeting Room, Benton County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

14 JPs Present: Shadlow, J. Harrison, Allen, K. Harrison, Adams*, Jones, Sandlin, Anglin, Slinkard, Chiocco, Leadabrand, Moore, Meyers, Moehring

1 JP Absent: Easley

Others Present: County Judge Bob Clinard, Comptroller Brenda Guenther, Administrator of Public Safety Marshal Watson, Beaver Lake Fire Department Board Chairman Jeff Dunn, Beaver Lake Fire Chief John Whisenant, Beaver Lake Fire Department Board President Dr. John Redwine, Beaver Lake Fire Department Board Member David Cauldwell, Bella Vista Police Chief Ken Farmer

Media: Tom Sissom – Northwest Arkansas Democrat-Gazette

Committee of the Whole chair JP Kurt Moore called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS

Jeff Dunn of Rogers, Chairman of the Board for the Beaver Lake Fire Department, announced that he had Beaver Lake Fire Chief John Whisenant, Beaver Lake Fire Department Board President Dr. John Redwine and another board member, David Cauldwell, with him tonight and stated that they were asking to be placed on the Quorum Court agenda to read a resolution to have a special election for raising dues. He stated that they have had the same dues for nearly nine years and they are overdue for an increase. He said that they do not have an actual amount of the increase yet. Their membership meeting is on February 20, 2016 so they will address long-range plans at that meeting. He said that they will also have a special meeting on February 22, 2016 and will have a number to put on the resolution at that time.

JP Moore asked if they would be ready by the February 25, 2016 Quorum Court meeting.

Jeff Dunn said, yes, they will have the resolution and the number by the 22nd.

JP Moore asked when they are wanting to put this on the ballot.

Jeff Dunn said that they got some advice from County Attorney George Spence, and that, if they start in February, they will have enough time to have the three readings in February, March and April, so it could be as early as June 28, 2016. However, July 12, 2016 is their preferred date.

Sue Keith Elverston of Pea Ridge spoke in regard to the proposed new justice facility. She voiced her concern that this should not be rushed to get it on the November 2016 ballot as this is a considerable expense for the taxpayers of Benton County, and all location options need to be thoroughly considered.

JP J. Harrison made a motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

1. Resolution Request Confirming the County Judge's Appointment of Ken Farmer to the 9-1-1 Administration Board, Law Enforcement Position; Sponsor: JP Mary L. Slinkard
Committee of the Whole chair JP Moore read the resolution request by title only.

JP Slinkard made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Chiocco.

Bella Vista Police Chief Ken Farmer introduced himself to the JPs and stated that he has been with the Bella Vista Police Department and its predecessor for 31 years.

Motion passed by unanimous show of hands vote.

2. Resolution Request Confirming the County Judge's Reappointment of Jimmy Thompson to the 9-1-1 Administration Board, Member at Large, Position No. 1; Sponsor: JP J. Harrison
Committee of the Whole chair JP Moore read the resolution request by title only.

JP J. Harrison made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Shadlow.

Motion passed by unanimous show of hands vote.

3. Resolution Request Confirming the County Judge's Reappointment of Nathan Atchison to the Benton County Dive Team Board, Sheriff-Position No. 1; Sponsor JP J. Harrison
Committee of the Whole chair JP Moore read the resolution request by title only.

JP J. Harrison made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Shadlow.

Motion passed by unanimous show of hands vote.

4. Resolution Request Confirming the County Judge's Reappointment of Shawn Holloway to the Benton County Dive Team Board, Sheriff-Position No. 2; Sponsor: JP J. Harrison
Committee of the Whole chair JP Moore read the resolution request by title only.

JP J. Harrison made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Sandlin.

JP Shadlow asked how the outcome of the Sheriff's election might affect this reappointment. Administrator of Public Safety Marshal Watson said that, as long as Shawn Holloway remains employed by the Sheriff's Department, he is able to serve in this capacity. JP Meyers stated that Shawn Holloway is currently on an unpaid leave-of-absence due to the election and questioned how this might affect his eligibility to be on the Dive Team Board. Marshal Watson stated that he would ask County Attorney George Spence to get a definitive answer to the question.

* JP Adams entered the meeting.

Motion passed by unanimous show of hands vote.

5. Resolution Request Confirming the County Judge's Reappointment of Jimmy Thompson to the Benton County Dive Team Board, 9-1-1 Admin Position; Sponsor: JP J. Harrison
Committee of the Whole chair JP Moore read the resolution request by title only.

JP J. Harrison made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

6. Resolution Request Confirming the County Judge's Reappointment of Vester Cripps to the Benton County Dive Team Board, Fire-Position No. 1; Sponsor: JP J. Harrison
Committee of the Whole chair JP Moore read the resolution request by title only.

JP J. Harrison made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

7. Resolution Request Confirming the County Judge's Reappointment of Jeff Parks to the Benton County Dive Team Board, Fire-Position No. 2; Sponsor: JP J. Harrison

Committee of the Whole chair JP Moore read the resolution request by title only.

JP J. Harrison made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Shadlow.

Motion passed by unanimous show of hands vote.

8. Resolution Request Confirming the County Judge's Reappointment of Marshal Watson to the Northwest Arkansas HIV Clinic Board; Sponsor: JP J. Harrison

Committee of the Whole chair JP Moore read the resolution request by title only.

JP J. Harrison made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Shadlow.

JP Slinkard asked when the agreement between Benton and Washington counties was that created this board.

Comptroller Brenda Guenther said it was in 2012.

Motion passed by unanimous show of hands vote.

9. Resolution Request Approving the 2016 Road Improvement Plan; Sponsor: JP Brent Meyers

Committee of the Whole chair JP Moore read the resolution request by title only.

JP Moore asked if the Committee would like to defer this agenda item until Administrator of Public Services Jeff Clark is able to be present. He announced that Jeff Clark was ill and not able to attend tonight's meeting.

JP Adams said that Jeff Clark presented this in its entirety at the Transportation Committee held on January 21, 2016. He stated that Jeff Clark also presented a preliminary 2017 Road Improvement Plan but this resolution is for the approval of the 2016 Road Improvement Plan only.

JP Chiocco noted that the resolution states that it went through the Legislative Committee and not the Transportation Committee and this is in error.

JP Meyers made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda with one change made to list "Harris Road" as being in District #14, seconded by JP Anglin.

JP J. Harrison made a friendly amendment to also change "Legislative" to "Transportation" in the wording of the resolution, as noted earlier by JP Chiocco.

Discussion was held in regard to the necessity of such a resolution to approve the 2016 Road Improvement Plan.

JP Jones read the section of the code that states that the April report should include the new construction projected for the year and progress reports should be provided to the Quorum Court on a quarterly basis by the County Judge.

It was determined during the discussion that it is not actually necessary for the Quorum Court to formally approve the Road Improvement Plan.

JP Meyers withdrew the motion, second was withdrawn.

County Judge Bob Clinard stated that he would ask Jeff Clark to present the 2016 Road Improvement Plan to the Quorum Court at the next meeting on February 25, 2016.

JP K. Harrison said that he saw on the news that there was a federal disaster declaration.

Judge Clinard stated that they got the declaration on Friday, January 05, 2016 and it was for Individual Assistance and Public Assistance and he explained the difference between the two. They are going to get 87.5% of the estimate that FEMA has done and this will help a lot because they can subcontract a lot of the work. He stated, however, that this also means they will have to pay 12.5% of the \$2 million which is \$250,000.

10. Resolution Request Supporting the Repair of War Eagle Bridge in Benton County on a Five Month Time Schedule; Sponsor: JP Barry Moehring

Committee of the Whole chair JP Moore read the resolution request by title only.

JP Moehring made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP J. Harrison.

County Judge Bob Clinard stated that he has talked to Great River Engineering and they have assured him that they can complete the project in five months. He said that this is getting it to

the point of advertising for bids. Once they get bids, they will bring the bid back to get approval. He said that this is just for the design phase to get it ready to go out for bids.

JP Sandlin asked if they have heard anything more about grants.

Judge Clinard said that, so far, they only have the \$500,000 grant but they are continuing to look for grants.

JP Anglin stated that she is still not satisfied with the resolution because it is still talking about 'repairing' it in five months.

Judge Clinard clarified that the resolution should be to design the bridge to be rehabilitated and, at the end of five months, they will receive a set of plans and specifications that they are going to put out for bids. In the bid documents, they can put a deadline that it will be finished by May 1st but they need to find out from the bidders if that is reasonable and if it will cost extra money.

JP Moore stated that he agrees that the resolution needs to be amended making it clear that the repairs will not be completed in five months.

JP Sandlin said that it can be corrected and sent to Quorum Court if it falls under Scrivener's Error.

With the approval of the second, JP Moehring amended his motion to correct the resolution to reflect that this is for the design, and not the repairs on War Eagle Bridge, and to forward this resolution request to the February 25, 2016 Quorum Court agenda.

Motion passed by unanimous show of hands vote.

11. Resolution Request in Recognition of Justice of the Peace Steve Curry; Sponsor: JP Mary L. Slinkard

Committee of the Whole chair JP Moore read the resolution request by title only.

JP Slinkard made a motion to forward this resolution request to the February 25, 2016 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

12. Ordinance Request Amending Subsection 2-49 of the *Code of Ordinances of Benton County, Arkansas* Related to the Notification of Justices of the Peace for Ordinances and Resolutions to be Considered at Quorum Court and Committee Meetings; Sponsor: JP Brent Meyers

Committee of the Whole chair JP Moore read the ordinance request by title only.

JP Meyers said that this is a resolution in the hopes that, in the future, for anything to be voted on by this body or any sub-committee of this body, the information will be presented to them no less

than 48 hours before the meeting. He said that, if it is not presented in time, any justice of that committee can challenge it and it will not be voted on or discussed unless a simple majority of that committee approves waiving the 48 hour time requirement.

JP Meyers made a motion to forward this ordinance request to the February 25, 2016 Quorum Court agenda, seconded by JP Sandlin.

A short discussion was held concerning this potential amendment, the timeframe that justices of the peace receive notification of agenda items to be considered at Quorum Court and committee meetings, the logistics of how items are added to meeting agendas, the role of the committee chair in the approval of agenda items, and what section of the code such an amendment could be included in.

A roll call vote was recorded as follows:

2 yeas:	Sandlin, Meyers
12 nays:	Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Moehring
1 absent:	Easley

Motion to forward proposed resolution failed.

JP Chiocco suggested that such an amendment would be better placed in Subsection 2-106-Committees of the *Code of Ordinances of Benton County, Arkansas* and changed to “the Committee of the Whole” as Subsection 2-49-Agenda is only for Quorum Court meetings.

13. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Dept. 0480, Juvenile Probation, Fund 3702; Sponsor: JP Joel Jones

Committee of the Whole chair JP Moore read the appropriation ordinance request by title only.

JP Jones stated that this is no new money. They are re-appropriating some of the funds in the Juvenile Accountability Block Grant. In the past, they have hired a part-time person to do it and, this time around, they are going to contract it out and this is why the money is being moved.

JP Jones made a motion to forward this appropriation ordinance request to the February 25, 2016 Quorum Court agenda, seconded by JP Adams.

Motion passed by unanimous show of hands vote.

14. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Creating a New Line Item and Appropriating Additional Monies and Authorizing Additional Expenditures in Capital Projects Fund, Department 0108, Non-Dept & Maintenance, Fund 4000; Sponsor: JP Joel Jones

Committee of the Whole chair JP Moore read the appropriation ordinance request by title only.

JP Jones said that this is the beginning of Perkowitz+Ruth/Cromwell/Dewberry's contract. He stated that the original amount quoted was \$235,000 and Judge Clinard had negotiated it down to \$199,500. He said they had some discussion on this at the February 04, 2016 Finance Committee meeting and decided to appropriate \$80,000 for the needs study. He said several of the respondents to the RFQ had said that there were deficiencies in the original needs study and they want to get that started and done. He stated that, after that, they could continue discussions about the rest of funding as they move forward.

JP Jones made a motion to forward this appropriation ordinance request to the February 25, 2016 Quorum Court agenda, seconded by JP Adams.

JP Meyers asked if this is for the site location study.

JP Jones said that this is only for the needs study; they are going to look at how many judges, support staff and how much building they are going to need looking out over an extended period of time.

JP Leadabrand asked what the timeframe is to receive the information.

Comptroller Brenda Guenther said it will be completed by April 30, 2016.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

JP Moehring made a motion to move the next Quorum Court meeting from March 24, 2016 to March 17, 2016 because of Spring Break and forward this request to the February 25, 2016 Quorum Court agenda, seconded by JP Jones

JP Moore called for a show of hands vote.

13 in favor:	Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Moore, Meyers, Moehring
1 against:	Leadabrand

Motion passed.

ANNOUNCEMENTS

Administrator of Public Safety Marshal Watson stated, in regards to the Federal Disaster Declaration and the individual assistance that will be made to the citizens of Benton County, they will be setting up a Disaster Recovery Center; the logistics are still being worked out with FEMA. He said that the DRC will allow the citizens to come in and meet with Small Business Administration officials, FEMA officials, and State officials to determine what their needs are and what assistance may be available. When the details are completely worked out, they will get the information out to the Quorum Court members and the media.

JP J. Harrison made a motion to adjourn.

JP Moore declared the adjourned at 7:18 p.m.